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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Elseddig Musa,
10 Plaintiff,
11 v.
12 Cash Time Loan Center,
13 Defendant.

No. CV-24-03055-PHX-JAT

ORDER

14 On November 4, 2024, Plaintiff, pro se, filed the complaint in this case and moved
15 to proceed in forma pauperis. In short summary, Plaintiff appears to be suing Defendant
16 for repossessing a car based on a title loan. (Doc. 1).

17 Federal courts are courts of limited jurisdiction. As a result, they can hear only
18 those cases that the Constitution and Congress have authorized them to adjudicate: namely,
19 cases involving diversity of citizenship, a federal question, or cases to which the United
20 States is a party. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994).
21 The party asserting jurisdiction bears the burden of proving a jurisdictional basis exists.
22 *Id.* In this case, because Plaintiff filed suit in federal district court, Plaintiff must show that
23 the federal court is authorized to hear the case.

24 Here, Plaintiff brings three causes of action. (Doc. 1). However, Plaintiff cites no
25 law or legal theories under which his causes arise.

26 Plaintiff's first cause of action is "Cash Time Loan Centers violated [sic] Consumer
27 Financial Protection Bureau value[s] and principles because defendant['s] practices are
28 neither consistent with 'business necessity' [sic] therefore harms people when obtaining

1 business relationships with them.” (Doc. 1 at 3).

2 Plaintiff’s second cause of action is “Cash Time Loan violated plaintiff[’s] civil
3 right[s] because people have a priority security interest in their right to happiness, liberty,
4 freedom, privacy, contract rights, monies, property rights, and life[.]” (*Id.*).

5 Plaintiff’s third cause of action is for the loss of Plaintiff’s personal property that
6 was in the car at the time it was repossessed. (*Id.*).

7 Plaintiff has failed to establish that any of these three causes of action presents a
8 federal question that would confer jurisdiction on this Court under 28 U.S.C. § 1331. The
9 Court is not aware of a private right of action for a violation of the Consumer Financial
10 Protection Bureau’s principles. The Court is unaware of a private right of action against a
11 non-Government defendant for what appears to be an allegation of a violation of the
12 Declaration of Independence. Finally, any theory Plaintiff may have about his right to
13 recover damages for property in the car would seemingly arise under state law.

14 Plaintiff does not allege diversity of citizenship between himself and Defendant, nor
15 does Plaintiff allege an amount in controversy. Thus, jurisdiction under 28 U.S.C. § 1332
16 also has not been alleged.

17 The Court will not consider Plaintiff’s request to proceed in forma pauperis (or
18 screen the complaint under 28 U.S.C. § 1915(e)(2)¹) until Plaintiff shows there is federal
19 subject matter jurisdiction over this case.

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21 Congress provided with respect to in forma pauperis cases that a district court
22 “shall dismiss the case at any time if the court determines” that the “allegation
23 of poverty is untrue” or that the “action or appeal” is “frivolous or malicious,”
24 “fails to state a claim on which relief may be granted,” or “seeks monetary
25 relief against a defendant who is immune from such relief.” 28 U.S.C. §
1915(e)(2). While much of section 1915 outlines how prisoners can file
proceedings in forma pauperis, section 1915(e) applies to all in forma
pauperis proceedings, not just those filed by prisoners. *Lopez v. Smith*, 203
F.3d 1122, 1127 (9th Cir. 2000) (“section 1915(e) applies to all in forma
pauperis complaints”). “It is also clear that section 1915(e) not only permits
but requires a district court to dismiss an in forma pauperis complaint that
fails to state a claim.” *Id.* Therefore, this court must dismiss an in forma
pauperis complaint if it fails to state a claim or if it is frivolous or malicious.

28 *Kennedy v. Andrews*, 2005 WL 3358205, *2 (D. Ariz. 2005).

Thus,

IT IS ORDERED that within 21 days of the date of this Order, Plaintiff must file a supplement to the complaint, or an amendment to the complaint, which establishes federal subject matter jurisdiction. If Plaintiff fails to comply with this Order, the Court will dismiss this case without prejudice.

Dated this 14th day of November, 2024.


James A. Teilborg
Senior United States District Judge